

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

CASEY SHELTON WOODS, # 81862

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:17cv4-DCB-MTP

**CITY OF NATCHEZ POLICE
DEPARTMENT, DISPATCHER MACK
JAMES, CHIEF OF POLICE DANNY
WHITE, JOHN AND JANE DOES, and
CITY OF NATCHEZ**

DEFENDANTS

ORDER DISMISSING POLICE DEPARTMENT

This case is before the Court sua sponte. Pro se Plaintiff Casey Shelton Woods is incarcerated with the Mississippi Department of Corrections. On January 13, 2017, Plaintiff filed the instant Complaint, pursuant to 42 U.S.C. § 1983 and state law, alleging a denial of police assistance. For this alleged omission, Plaintiff sues the City of Natchez Police Department, Dispatcher Mack James, Chief of Police Danny White, and the City of Natchez. The Court has considered and liberally construed the pleadings.

As noted, Plaintiff sues the Police Department. The capacity of a police department to be sued is determined according to Mississippi law. Fed. R. Civ. P. 17(b)(3). Under Mississippi law, a police department is not a separate legal entity which may be sued. Rather, a police department is an extension of the city. Miss. Code Ann. § 21-17-1(1) (municipalities are distinct legal entities); Miss. Code Ann. § 21-21-1, et seq. (municipalities may create and fund police departments); *see also Brown v. Thompson*, 927 So. 2d 733, 737 (¶12) (Miss. 2006) (sheriff's department). Therefore, the Police Department is dismissed.

Since Woods also sues the City of Natchez, the Court will construe the allegations

against the Police Department as allegations against the City. This case shall proceed against the City and the remaining Defendants.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above, Defendant City of Natchez Police Department should be, and is hereby, dismissed. The remainder of this case shall proceed.

So ordered and adjudged, this the 12th day of May, 2017.

s/David Bramlette
UNITED STATES DISTRICT JUDGE